RAJYV SABHA

Wednesday, th \2th May, 1993/ 22 *Vaisakla,* 1915 *(Saka)*

The House nw at eleven of the clock, Mr. Chair nan in the Chair.

ORAL ANSWEJGS TO QUESTIONS

Passengers wit tout proper travel Documents

@»221. SHRI S URESH KALMADI: Will the Minister of HOME AFFAIRS bt pleased to sta e:

(a) whether Government's attention has been dra' m to the news item published in the *I* tateman dated 20th April, 1993 capt oned "Passengers without papers, ii India too soft on airlines";

(b) if so, what s Government's reaction thereto; an i

(c) whether as)er practice in vogue in several c untries, Government propose to lake action against the airlines that I ring in passengers without proper tn vel documents at airports Jn India?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI RA.ESH PILOT): (a) Yes, Sir.

(b) and (c) Under the Foreigners Order, 1948, the M; ster of the vessel or Pilot of the aire aft or the owners or agents thereof a :e required to remove a foreigner vho has been refused permission 1) enter India or has entered India without permission. Failure to comply vilh this requirement can result in jrosecution. Legal action against often lers is taken according to these provisions.

SHRI SURESH KALMADI: Sir, whenever a foreigne lands in an Indian airport withou proper travel papers, he is deportc d and that is the end of the story. But .Sir, in many international airpr rts, the persons who enter in such a fashion are fined generally or imprisoned alongwith a fine and the airline which brings in such perrsons is also fined.

In the United States the airline which brings in such passengers is fined about 3,000 dollars, in Canada the fine is about 5,000 dollars and in U.K. the fine is about 2,000 pounds. Also, I would like to know as to how many such passengers have arrived in India in the last quarter of the last year and who pays for their boarding and lodging because many times in the airport it-self, a special room is kept for them. So, who pays for their boarding and lodging and who pays for their going back to the country from where they have come? Thesce are the things which I would like the Minister to answer.

SHRI RAJESH PILOT: Sir, it is a fact that such incidents take place. We had been talking to the airlines concerned and we are also awrea, ss the hon. Member has said, that there are some countries in the world which take legal action gainst such airlines and al*o against the persons concerned trvelling by those airlines. In our case, we have a bilateral agreement. There is a feeling that, as it is, since the airlines are paying for their air fare uo and down, that itself is a penalty. We are also awarding an amount of Rs. 1.000 as fine and imprisonment for three months. But it is not as severe as the hon Member has indicated. WP are having discussions with the airlines. But, as on deporting such passengers, which a financial burden on the air lines, is itself a punishment. And. on the basis of the whole year's travel informa-tion, we have calculated that on an average, it comes to round about 2 persons per day all over tho country. That was their argument. It is not a very big mencae at the moment. But, we are having further discussions with the Civil Aviation Ministry. As for part 2 of the supplementary,

@Previously started question 123, transferred from 4t) May. 1993.

to March 1993 is, from New Delhi 55, Bombay 16, Calcutta Nil, and Madras 119. As I have said, it is the airline which brings in these people which pays for everything, which takes them back to the places where they have come from. So, it is the airline concerned which pays for them.

SHRI SURESH KALMADI: Sir, it is very clear from the reply of the hon. Minister that the Government is very lenient with such offenders and, I think, there is a need for amending the Foreigners Order of 1948. I would like to know as to whether the Government which consider amending the Order for stricter control on airlines as well as the people coming in and I would also like to know whether there are any particular airlines which are perpetually breaking this particular law. It was brought to our notice that the Pakistan Airways, the Tai Airways and the Malaysian Airways are the three airways which bring in the maximum number of people without valid passports to the country.

SHRI RAJESH PILOT; Sir, as far as p-rt 1 of his question is concerned, the Government is considering stricter action on this. We are alf-o considering amending this Act. This is under consideration. We are having consultation with the concerned agencies. As far as part 2 of his question is concerned, that some airline companies which are mentioned had brought some people in Rome of their trios, it is not one particular Airline company which is doing it. We have taken a let of preeautonary measures. Thp hon. Merobor was a pi'ot himself. If he recollects, the captain of an aircraft has to sav th«t all the immi«Tfation formalities have ^een completed. The lans$_e$ comes witl false documents. Sometime^ snrn$_{C\ n}$eo pie *forsp* their documents, their p*s sports *nd th^ir visas. Ther" we-8K Imnrovint? our pvstem and as the hon Vnmfco. Vina suseested. we want t< be very strict and we will do it even by amending the laws.

SHRI V. NARAYANASAMY: Hon. Chairman, Sir, the hon. Minister has replied that under the Foreigners Order, 1948, the Master of the vessel or the pilot of the aircraft or the owners or agents thereof are required to remove a foreigner who enters India without permission. But what is happenisg today is when a cargo ship comes back from Sri Lanka, it admits into it a lot of people and in a clandestine manner they are brought, especially the Tamil refugees, from Sri Lanka and under this guise, the LTTE people are also entering into Tamil Nadu.

MR. CHAIRMAN: Is it that you are speaking about ships?

SHRI V. NARAYANASAMY: They are coming in cargo vessels in a clandestine manner from Sri Lanka. Not only that, even from Myanmar and Bangladesh, a lot of infiltration is taking place. People are being smuggled into India from Sri Lanka through licensed vessels. I am not telling about the boats in which they are coming. People are smuggled into Tamil Nadu through licensed cargo vessels and as a result of this, terrorism is spreading. My worry is that only. I would like to tell the hon. Minister that the Foreigners Order, 1948 is not going to serve any purpose. In view of this, I would like to know what strict action the Government is going to take.

MR. CHAIRMAN: It is a good question, but somewhat outside the present $_n$uestion. I think you have to/... (Interruptions) . .\

SHRI V. NARAYANASAMY: Sir. I will satisfy you as to whether it is pertinent or not. I read the reply of the hon. Minister. The Minister has said that under the Foreigners Order, 1948, the Master of the ves-j sel or the pilot of the aircraft or the owners or agents thereof are required to remove a foreigner who enters

India without emission. The Minister himself ha J said that failure to comply will re suit in prosecution... *(Interruptions)* ,..

MR. CHAIRMAN; I don't know if Minister would like to answer that question.

SHRI RAJESH PILOT; Sir, when the Foreigners Order, 1948 was made, it was made fc r vessels-, aircraft and all those conce ned with that category. What the hon. Member made out is a vtry genuine point. We have tightened the system even in ports keeping the se> urity aspect in mind. In this respect the system is energised and I ai i sure that the complaint about w ich the hon. Member is speaking should not De there any more.

SHRI TINDIVANAM G. VENKA-TRAMAN; Sir hi hon. Minister has given a list oi airports where passengers were augnt without valid documents and all that. I would like to know from the hon.' Minister whether the ai lin_e companies are hand in glove «*nth* the persons who are connected with the clandestir trade of transfe) ring on passengers to India. I woulc also like to know from the hon. Minister whether any such cases have been detected and what investigati n has been conducted into those cat is

SHRI RAJESH' PILOT; Sir, this is an ongo· exercise which is continued at the airports and at the ports for tha matter. Wherever v, g feel this could be further strengthe ned, further improved upon by suggestions or by noticing our own lapses sometimes, we carry on taking remedial measures. Now, we nave r todernised our international airports with these facilities. We are further improving it by inducting some mo ¯e experts and giving them training and are keeping in mind the securi' *y* and th_e reception aspects because we don't want the travellers to feel that there is a tight security. When a foreign tourist comes to India, we should not give him an impression that we are not welcoming him. Keeping in mind these objectives, w_e haye had a scheme which is working and there is always scope for improvement wnich the Government will always do.

SHRI G. G. SWELL; Sir, this question relates to the 'Indian Airlines. Now, the Minister has mentioned some figures about the people who have been caught in Delhi, Bombay and Calcutta and the manner of meeting their expenditure in India and their deporation from India. I would like lo know whether he has made an analysis of the nationalities of these pie who try to get into India ill. gaily and also whether he has tried to find out the reasons why they want to come to India illegally. 1 would further like to know whether, as a iesult of this study, it is seen that there is a trend, a definite trend, of the people trying t_0 get into India and also a definite trend in their motives for trying to get into India in this manner.

SHRI RAJESH PILOT; Sir, as far as the nationalities of the deported persons are concerned, I may not have all the information at this moment. But I have said that out of those deported we have prosecuted some. I think the nationalities of persons who havr been prosecuted up to the 31st March 1993 are like this: At New Delhi airport, out of he de-ported 85, eight people have been prosecuted and two are Afgnanis, two Bangladeshis, one Nepali, one Sri Lankan and one Kuwaiti.

As far as Calcutta is concerned, we have prosecuted 15 people and out of them, Bangaladeshis are 13, Afghani is *one* and Somalian is one.

Similarly, at Madras, we have prosecuted one whose nationality is not available with me now. But, as far as the nationality of the deported people is concerned, I can supply the information tc the honourable Member if he so desires, on the nationality of those vho hav_e been deported from the airport.

SHRI G. G. SWELL; Sir, there is i another part to my question. The Minister might say whether, as a re-hult of interrogaliin of thrse people, he has come to the conclusion that there is a definite trend in their motivation for trying to come to India.

SHRI RAJESH PILOT; Sir, as far as the second part is concerned, at this *moment,* I may not be in a position to give the correct picture or the right information. But most of these people who have come have come on forged documents. But, with regard to the information as to how they have done it and why they have done it, I can supply it to the honourable Member at a later stage when I can give the correct information.

MR. CHAIRMAN: Yes, Mr. Kamal Morarka.

SHRI KAMAL MORARKA; Sir, as the honourable Minister is aware, when we Indians go abroad, at the checking counter at the airport, the axriine officials check up our travel documents, not only the passport va-lidity^ but also the visa is for the particular country. If the visa is not valid or if he does not have the proper travel documents, the passenger is not taken on the aircraft at all. Why can't this operate in the reverse way? Why can't thase airlines, which bring passengers without valid travel documents right up to India—and even take them back, may be at their own cost—follow the same procedure when the passengers embark upon their journey from one of the Western countries ov, as my friend, Mr. Kal-madi, has said, from Pakistan, Malaysia or Thailand? Why can't they ensure that these passengers have their valid passports and visas for India and if they do not have them, they are not taken on the flight? Why can't he ensure that these airlines follow the same procedure?

SHRI RAJESH PILOT; Sir, I think there is a slight communication gap between my answer and the honourable Member's question. It is not that these people do not carry valid passports or visa. The point is that when they come, they come on forged passports or visas and sometimes they have a photo substitution of other persons. There are various causes or which Uiey come. It is not that when they come without valid documents we permit them. The point is that they manipulate the valid documents in various forms and they are sort of caufagt at some of the points whenever they are operating or when they are landing at the next airport. After that, when we find that the valid document is not there or the document is not valid, we ask them to go back.. I do not think that there is a single case in which somebody has come without an up-to-date visa or current visa.

MR. CHAIRMAN: Next Question. Question No. 222.

Fire Safety measures for high-rise building in Delhi

*222. SHRI SHANTI TYAGI: Will the Minister of HOME AFFAIRS tie pleased to state;

(a) whether it is a fact that the fire prevention/safety measures are compulsory for the high-rise buildings in the capital;

(b) if so how many of such buildings have carried out these measures and how many have ignored; and

(c) the number of cases registered against those who have violated the Are safety measures?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI RAJESH PILOT)., (a) to (c) A Statement is laid on the Table of the Sabha.

After the Unified Building Bye-laws were adopted in June 1983, the enforcement of five prevention and fire safety measures has become compulsory for high rise buildings in Delhi.